



Code Enforcement Work Group Final Report To the County Executive

November 2008



TABLE OF CONTENTS
CODE ENFORCEMENT WORK GROUP REPORT

Code Enforcement Work Group Final Report	2
Attachment A: ZTA Home Occupations & Residential Off-street Parking	11
Attachment B: Proposed Standard Operating Procedure Working Without A Permit – Enforcement	43
Attachment C: Council Bill: Storage of Unused Vehicles	44
Attachment D: Council Bill: Building-Permits	49
Attachment E: Council Bill: Commercial and Recreational Vehicles – Parking Restrictions	55
Attachment F: Potential Locations and Solutions for Commercial and Recreational Vehicles in Montgomery County	61
Attachment G: Differences Between Work Group’s Proposed On-Street Parking Restrictions and Council Proposed Bill 27-08	63
Attachment H: Letter of Agreement	64
Attachment I: Non-English Speaking Inspections Subgroup – Policy Statement	66
Attachment J: Proposed DHCA Repeat Offender Policy	68
Attachment K: Building Materials Used in Construction Projects	69
Attachment L: Quality Assurance/Quality Control Plan	70

CODE ENFORCEMENT WORK GROUP FINAL REPORT

EXECUTIVE SUMMARY

In September 2007, at the request of the County Executive, the Chief Administrative Officer (CAO) directed the formation of a staff-level Code Enforcement Work Group. The Work Group is comprised of representatives from the Department of Housing & Community Affairs (DHCA), the Department of Permitting Services (DPS), the Department of Environmental Protection (DEP), the Department of Transportation (MCDOT), the Office of the County Attorney (OCA), Montgomery County Police (MCP), the Department of Fire & Rescue Services (MCFRS) and County Council staff. The Work Group was formed to address a number of housing and zoning code issues that, in combination or alone, are causing adverse impacts and public safety issues in residential neighborhoods, and particularly in the small-lot zones. The group also discussed concerns expressed by various communities throughout the county that portions of the Code are outdated, code enforcement is uneven, too much time passes between issuance of a citation and correction of a code violation, and there is poor coordination among the various departments responsible for issuing citations. Specific issues addressed by the Work Group include unkempt properties, solid waste issues, inoperable or unregistered abandoned vehicles, vehicles parked on front lawns, overcrowded homes, unsafe passage on residential streets resulting from large parked commercial and recreational vehicles, and inconsistent provisions within the County Code.

Over the last year, the Work Group has reviewed approximately 15 case studies and identified a number of general issues common to many of them. The group has developed a set of recommendations to address many of the issues. Proposed solutions fall into three broad categories:

1. Legislative changes to various chapters of the County Code;
2. Business process changes and improved coordination and cross training for DPS, DHCA, MCFRS, and DEP inspectors and MCP; and
3. Education programs for residents and community associations that inform property owners of their rights and responsibilities.

The Work Group is recommending legislative proposals that address the following:

1. Parking restrictions in residential neighborhoods (both on-property and off-property) for commercial and recreational vehicles; revised definitions for light and heavy commercial vehicles and recreational vehicles;
2. Limiting parking on the front yards of residential lots;
3. Clarification and enhancement of home occupation rules and enforcement;
4. Consistent language in Chapter 26, Housing & Building Maintenance Standards and Chapter 48, Solid Wastes requiring inoperable or unregistered vehicles to be removed within a certain number of days of being cited. Currently, one chapter specifies 90 days and the other one 30 days. The Work Group recommends allowing 30 days.

5. Modification of rules for completing or abandoning projects requiring building permits including requiring a final inspection and obtaining a use-and-occupancy permit before any building, structure, or land can be used or converted from one use to another; and
6. Imposing fines for property owners who proceed with the following work without the appropriate permit:
 - a. Make improvements;
 - b. Erect signage; and/or;
 - c. Establish home-based businesses.

The Work Group is also recommending a number of business process changes and staff training that should significantly improve coordination of Code enforcement:

1. Expanded use of eReferral, an electronic system that is used by code enforcement workers and police officers to refer potential violations to the agency that is responsible for enforcement of the suspected code violation. The system enables efficient and timely reporting by the first responding agency to other agencies that need to respond and eliminates the need for residents to report violations to multiple agencies. An example of this would be a residence with an unusually high number of trash containers at the curb on an ongoing weekly basis might generate a complaint which would initiate an investigation for solid waste not from site. While at the property, a DEP inspector would note in the system the potential for property overcrowding or fire code violations. The appropriate other departments would then follow-up with their own investigations.
2. Establish a process that requires a property owner who has been issued an abatement order to either (a) make required corrections within the time specified in the abatement order, or (b) pay the costs for the County to use its contractors to make the corrections.
3. Shorten the time period for completing residential permits and set final inspection dates for residential building permits.
4. Clarify the DHCA and DEP responsibilities for solid waste violations in order to improve efficiency and effectiveness in dealing with these types of issues.
5. Establish criteria for increased DHCA inspections for multi-family landlords with patterns of violations.
6. Establish a DPS process for imposing fines for property owners who make improvements, erect signage, or establish home-based businesses without a permit.
7. Reinforce customer-centric training of inspectors in all departments.
8. Establish common policy and training for all departmental inspectors that encounter property owners or neighbor complainants with limited English proficiency.
9. Establish new procedures for dealing with property owners that are repeat offenders of Chapter 26, Housing & Building Maintenance Standards of the County Code.

10. DPS has changed the permit review process to require that the exterior finishing materials match those shown on drawings submitted as part of the permit application.
11. Enhancing the inspection process through improved Quality Assurance programs.
12. DHCA, MCFRS, and DPS have developed and implemented online complaint forms for their websites.

The Work Group recommends community outreach and educational efforts as follows:

1. Develop a handout that explains housing code requirements related to perceived overcrowding in single-family homes.
2. Work with realtors to encourage them to monitor, and correct as appropriate, the number of bedrooms advertised in listed single-family properties.
3. Develop a comprehensive and multi-cultural public and community outreach program in cooperation with community advisory groups in an effort to prevent violations through effective public information – what is and isn't covered, how the requirements are enforced, when permits are required, and how and to whom complaints can be made.
4. Provide information to new renters so that they better understand the landlord's responsibilities for property maintenance and know how to file a complaint.

LEGISLATIVE PROPOSALS

Proposal #1 - ZTA Concerning Home Occupations and Residential Off-street Parking (Attachment A)

This proposed zoning text amendment addresses issues in three different areas of Chapter 59, Zoning: (1) home occupations; (2) off-street parking on residential lots; and (3) use-and-occupancy permit requirements for one-family detached dwellings. It also gives DPS the authority to fine property owners who make improvements, erect signage, or establish home-based businesses without the appropriate permit. The proposed DPS standard operating procedure for enforcing work without a permit rules is outlined in Attachment B.

Home Occupations

When the County law governing home occupations was enacted, the intent was to provide a homeowner the opportunity to conduct business from their home with little or no impact on neighboring properties. Unfortunately, deficiencies in the regulations have led to a number of instances where the reported impact on neighboring properties is substantial yet the findings required for enforcement are over burdensome. As a result, council members' offices and staff members of the Department of Permitting Services (DPS) have received a number of complaints from residents regarding activities associated with home occupations. Among them are complaints about noise levels, outside activities, and the number of employees and commercial vehicles visiting properties approved for home occupations in residential and

agricultural zones. DPS has indicated that there are sections of the current home occupation law that are unclear and/or unenforceable. Therefore, this zoning text amendment proposes a number of changes; line references below can be found in Attachment A.

- Provides definitions to clarify and enhance the home occupation law, including the following terms: proof of location where a person lives (p. 15, lines 74-77), eligible area (p. 15-16, lines 78-84), visiting (p. 16, lines 85-86), and surfaced area (p. 18, lines 144-146). Stipulates that a registered home occupation may not begin operation without an on-site inspection (p. 21, lines 221-222).
- Allows DPS to issue a citation if they find a violation of the home occupation law. Allows 60 days for the operator of a home occupation found in violation to apply for a special exception if the violation is corrected before the special exception application is filed (p. 21-22, lines 236-253).
- Removes the requirement that each home occupation operator or home health practitioner must reside in the home for a period of at least 220 days each calendar year and substitutes a requirement that the home-based business operator or home health practitioner must show proof that he/she lives at the subject property (p. 23-24, lines 293-296). DPS requested this change because the 220-day rule is unenforceable.
- Clarifies the number of vehicles and employees allowed to visit the dwelling unit where a no impact or registered home occupation exists (p. 27-28, lines 390-394; p. 28, lines 404-408 and 414-418; and p. 30-31, lines 468-489).
- Other language changes necessary for clarification and consistency.

Residential Off-Street Parking

The County has received numerous complaints about the impact of commercial vehicles parked in residential neighborhoods, particularly in the small-lot zones. There have also been complaints about commercial and personal vehicles parked in front yards. This zoning text amendment addresses off-street parking in residential and agricultural zones; a separate bill will address on-street parking of commercial vehicles. The ZTA proposes changes as follows:

- Provides definitions for heavy and light commercial vehicles and clarifies the standards (p. 13-15, lines 17-54); other parts of the County Code will be changed so that the definitions are consistent throughout;
- Revises the land-use tables to clarify allowed parking of vehicles other than heavy commercial vehicles off-street in residential zones (p. 37, third section from the bottom); footnotes in this section provide different standards for parking light commercial vehicles in the large-lot and small-lot zones, with a larger number permitted in the large-lot zones (p. 37-39, lines 624-663);
- Revises the land-use tables to limit the maximum percentage of the surfaced area of a front yard (p. 39, last entry on land use table and asterisked section on lines 667-675). This provides flexibility on the maximum percentage allowed for extremely small lots and for residences located on roads where access may be difficult (allowing for turn-arounds);
- Provides for a petition process to exceed the maximum percentage of surfaced area in a property's front yard for unusually shaped lots (p. 40, lines 675-682);

- Delays issuing fines and citations for violations of these amendments for a period of six-months after the effective date of the amendments; and
- Revises the land-use tables for agricultural zones by prohibiting off-street parking of heavy commercial vehicles and by limiting the parking of other motor vehicles on smaller residentially developed lots in these zones (p. 41, third section from the bottom and p. 42, lines 694-700). Farm vehicles and farm machinery for agricultural use are not restricted.

In addition to the zoning text amendment, the Work Group recommends introducing a Bill to establish a 30-day limit for property owners to remove a vehicle that has been cited as inoperable or unregistered. (Attachment C).

Use-and-Occupancy Requirements

There have been numerous complaints about incomplete buildings, structures, or land uses in one-family residential neighborhoods. Frequently, these projects are associated with building permits which have been outstanding for long periods of time without final inspections being requested and completed. DPS is recommending a two-pronged approach to close out these permits, as follows:

- A Bill is proposed to set a time limit for completing a building permit project. (Attachment D). This bill requires the holder of a building permit will have to schedule a final inspection and close out the permit within certain timeframes; and
- A proposed zoning text amendment (Attachment A - p.18-19, lines 154-165) requires the holder of a building permit to obtain a use-and-occupancy permit before any building, or structure, or land can be used or converted from one use to another.

According to DPS, neighboring jurisdictions already require use-and-occupancy permits for modifications to one-family detached dwellings.

Proposal #2 – Commercial and Recreational Vehicles – On-Street Parking Restrictions (Attachment E)

The County has received complaints about the impact of large commercial and recreational vehicles parked in residential neighborhoods, particularly in the small-lot zones. There have also been complaints about commercial and personal vehicles parked in front yards. This proposed bill addresses on-street parking in residential zones; a separate zoning text amendment will address off-street parking of large commercial and recreational vehicles. The proposed changes contained in the on-street parking bill are as follows:

A heavy commercial vehicle or bus can only park on a public road where both sides of the road abut properties zoned exclusively for commercial or industrial uses unless:

- (a) The vehicle or bus is being used at the time to load or unload passengers, merchandise or materials;

- (b) The vehicle is being used by its owner or operator to perform work on the premises of the residence, apartment house, church, school, hospital, or playground;
- (c) The bus stops for a period of time, not to exceed thirty (30) minutes, to maintain a schedule at an authorized terminal stand for a bus route operating under a permit from the State Public Service Commission; or
- (d) The vehicle is involuntarily parked because of mechanical failure or other emergency for not more than 48 hours.

The Work Group has done a preliminary investigation to identify potential alternative locations for heavy commercial and recreational vehicles to park. While numerous alternative locations were originally identified and may provide relief, the investigation found that many were not viable options or provide only limited capacity. The various alternatives investigated are discussed in (Attachment F).

Council President Knapp has also introduced a bill that addresses some of the same issues (Bill 27-08, Motor Vehicles and Traffic – Parking Regulations – Commercial Vehicles, Recreational Vehicles, and Buses). The Work Group has prepared a document that outlines the differences between the two bills. (Attachment G).

Proposal #3 – Interim and final inspections required for construction projects requiring a residential building permit (Attachment D)

The County has received complaints about residential improvement projects requiring building permits that are left uncompleted or never receive a final inspection. The proposed legislation provides:

1. Any building permit for a one-family dwelling, or for a structure or building accessory to the residential use must have an approved inspection within 6 months after the permit is issued (p. 50-51, lines 22-27);
2. In any renovation, addition or new construction of a dwelling or other structure on the premises, the owner must complete each exterior surface, including windows, wall siding, and roof within one year after the building permit was first issued (p. 51, lines 28-34); and
3. Any building permit for a one-family dwelling or for a building or structure accessory to the residential use must have an approved final inspection within 18 months after the permit is issued (p. 51, lines 35-39).

BUSINESS PROCESS RE-ENGINEERING ACTIONS

During the course of its work, the Work Group identified a number of business process changes that are believed essential to better coordinating work efforts among the departments involved in enforcing the various chapters of the County Code and improving their responsiveness to concerns raised by the general public. Most of the proposals below have already been implemented.

1. Expanded use of the eReferral system. Over the last 9 months DPS, DHCA, and MCP have worked cooperatively to develop an internal, online “eReferral” system which is used by code enforcement workers and police officers to refer potential violations that are reported to them or that are observed when they visit a property, to the agency that is responsible for enforcement of the suspected code violation. This enables efficient and timely reporting by the first responding agency to other agencies that need to act and eliminates the need for residents to report violations to multiple agencies. All referrals are recorded in the County’s eProperty Data Mining application and can be viewed by residents when searching an address using eProperty. Also using eProperty, residents can see agency-by-agency cases opened in response to the referral. Currently, eProperty displays and links to case data from Housing Code Enforcement, Permitting, and Zoning. Police information is being developed and will be added in the near future. Additional data sources that are planned to be added are Solid Waste, DEP, and MCFRS. This is a work in progress and will be improved over the next few months by expanding County employee awareness of and training for the eReferral system, adding data sources to the eProperty system, and perhaps integrating these systems with the planned “311” system.
2. Establish an alternative approach for getting property owners to comply with abatement orders. Under the approach, the County would maintain a list of contractors that provide a variety of services including demolition, large structural repair or required renovations, small repairs and landscaping corrections such as grass cutting and tree removal or trimming (contractors will be chosen through a competitive procurement process). If a property owner fails to make required corrections within the time specified in the abatement order, the county would utilize its contractors and the expenses would be charged to the property owner. Should the property owner fail to compensate the county for incurred expenses a lien would be put on the property and collected through the property tax bill or tax sale. Once funded, these activities could be further directly supported by revenue from fines imposed by the court.
3. Narrow the period for completing residential permits and set final inspection dates for residential building permits by:
 - a. Using the Hansen permitting information system to monitor expiration dates and to trigger more frequent inspections; and
 - b. Having DPS staff proactively inspect residential building projects and not have all inspections driven by requests.
4. Solid Waste – DEP (Division of Solid Waste) and DHCA have entered into a Letter Agreement (Attachment H), to establish a revised jurisdiction for solid waste violations. Under the Agreement, DEP’s Division of Solid Waste is responsible for enforcement action within ten (10) feet of the property line that has been set out for collection; DHCA is responsible for enforcement of solid waste violations for other on-property areas.
5. Establish criteria for increased DHCA inspections for multi-family landlords with patterns of violations. DHCA currently withholds new rental licenses until code violations and any landlord tenant case have been corrected. DHCA expects to have the databases merged by the next renewal period to trigger if open code violations or landlord tenant cases are outstanding during the renewal period. Under 29-25A, DHCA can revoke or deny a license for outstanding code violations. The Department must provide written documentation of violations to the owner. This has been used under certain circumstances. If tenants are displaced, DHCA typically assists them in finding new housing if needed. There are about

13,000 single family rentals, 650 multi-family properties, and 6,000 condo rentals in the county totaling over 70,000 units. The generation of monthly cases for tri-annual inspection on multi-family rental properties has become a collaboration of senior management along with field staff. The properties are evaluated based on certain criteria such as age of building, type of building, number of complaints received, managements history and if any renovations have taken place in recent years. A base line between 5% and 10% is set for larger properties which are well kept showing very few tenant complaints. DHCA has found that a majority of multi-family properties with on-site management are generally well maintained and do an adequate job of property maintenance. If there are increased complaints or a history of management problems the base line for number of units inspected is increases to between 20-50%. Older properties, such as those in Long Branch and South Silver Spring, frequently have a higher percentage of units inspected. Many of these properties have received 100% inspections. If DHCA inspectors believe that a more thorough inspection is needed, the inspectors discuss the situation with senior management and adjustments are made as needed. This inspection strategy has been very productive over the years and found to be the best allocation of resources, allowing input from field staff to determine if a larger percentage of units should be inspected. All of the common areas are inspected regardless of the number of units being inspected.

6. Establish a procedure for DPS inspectors to issue civil citations for work performed without a permit. The proposed standard operating procedure is as follows: a DPS inspector will issue a violator a civil citation immediately if the inspector discovers that work has been performed without a permit or a use is in violation of Chapter 8, Building, Chapter 17, Electricity, Chapter 19, Erosion, Sediment Control and Stormwater Management, Chapter 49, Streets and Roads, Chapter 27A, Individual Water Supply and Sewage Disposal Facilities, or Chapter 59, Zoning Ordinance.
7. Establish common policy and training for all departmental inspectors that encounter property owners or neighbor complainants with limited English proficiency (See Attachment I).
8. Establish new procedures for dealing with property owners that are repeat offenders of Chapter 26, Housing & Building Maintenance Standards of the County Code. (Attachment J)
9. DPS has changed the permit review process to require that the exterior finishing materials match those shown on drawings that accompany the permit application. (Attachment K)
10. Improve Quality Assurance programs: develop checklists for inspections, evaluate the checklists for accuracy and completeness, and provide on-the-job training for inspectors. (Attachment L)
11. In order to simplify the process for filing complaints, DHCA, MCFRS, and DPS have developed and implemented online complaint forms.

Acknowledgements

Preparation of this initiative was the result of a collaborative interdepartmental effort by the following Code Enforcement Work Group Members:

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Nancy Demme	Montgomery County Police Department
Michael Donahue	Montgomery County Fire & Rescue Services
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Jim Savage	Office of County Attorney
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Dale Tibbits	County Council Staff
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Zoning Text Amendment No:
Concerning: Home Occupations and
Residential Off-street Parking
Draft No. & Date: 13- 9/9/08
Introduced:
Public Hearing:
Adopted:
Effective:
Ordinance No:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: The District Council at the Request of the County Executive

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- amend the provisions and definitions concerning home occupations;
- amend the provisions for violations;
- amend the definition of a commercial vehicle;
- add a definition of a light commercial vehicle;
- add a definition of surfaced area;
- require a use-and-occupancy permit for one-family detached dwelling;
- limit the amount of surfaced area in front yards for certain one-family zones;
- limit parking in front yards to surfaced area; and
- limit off-street parking in clustered agricultural zones.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-A-1	“PURPOSE AND APPLICABILITY”
Section 59-A-1.3	“Violations, penalties, and enforcement”
DIVISION 59-A-2	“Definitions and Interpretation”
Section 59-A-2.1.	“Definitions”
DIVISION 59-A-3	“BUILDING, USE AND OCCUPANCY PERMITS”
	REGISTRATION OF CERTAIN USES.
Section 59-A-3.2.	“Use-and-occupancy permit”
Section 59-A-3.4.	“Registration of a home occupation or home health practitioner's office”
Section 59-A-3.5.	“Termination of Home Occupation”
DIVISION 59-A-6	“USES PERMITTED IN MORE THAN ONE CLASS OF ZONE”

Section 59-A-6.1	“A no-impact home occupation, registered home occupation, or home health practitioner's office”
DIVISION 59-C-1	“RESIDENTIAL ZONES- ONE-FAMILY”
Section 59-C-1.31	“Land uses”
DIVISION 59-C-9	“AGRICULTURAL ZONES”
Section 59-C-9.3	“Land uses”

EXPLANATION: **Boldface** indicates a heading or a defined term.
Underlining indicates text that is added to existing laws by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
* * * indicates existing law unaffected by the text amendment.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. DIVISION 59-A-1 is amended as follows:

DIVISION 59-A-1. PURPOSE AND APPLICABILITY

* * *

Sec. 59-A-1.3. Violations, penalties, and enforcement.

(a) Any violation of this Chapter [may] will be punished as provided in State law.

(b) In addition to all other remedies provided by law, any violation of this Chapter [may, as an alternative,] will be punished by a civil fine not exceeding \$500 for each offense or any lesser penalty allowed by regulation adopted under method 2. Each day a violation continues is a separate offense.

* * *

Sec. 2. DIVISION 59-A-2 is amended as follows:

Division 59-A-2. Definitions and Interpretation.

Sec. 59-A-2.1. Definitions.

* * *

Commercial vehicle, heavy: [A duly licensed and registered vehicle used to transport passengers or property to further a commercial enterprise. A commercial vehicle must not be used as an office nor have customer entry for a retail transaction. For the purposes of this Chapter the following are also commercial vehicles] Any motor vehicle or tandem axle trailer or semi-trailer used for carrying freight or merchandise or used in the furtherance of any commercial enterprise that is:

(a) [vehicles of more] equal to or greater than 10,000 pounds gross vehicle weight;

(b) [vehicles with a manufacturers] rated by the manufacturer with
a load capacity [of more than 3/4] equal to or greater than one
 ton;

[(c) vehicles registered as commercial vehicles by the Motor
 Vehicle Administration of the state of Maryland or other
 jurisdiction;

(d) "for hire" vehicles as classified by the Maryland Motor Vehicle
 Administration;

(e) a funeral motor vehicle or ambulance as classified by the
 Maryland Motor Vehicle Administration; or

(f) a freight trailer or semitrailer as defined by the Maryland Motor
 Vehicle Administration;]

(c) 19 feet long or longer measured from the extremes of the
vehicle, including any object loaded on the vehicle; or

(d) 8 feet high or higher, with properly inflated tires, measured
from the ground to the highest part of the vehicle, including any
racks but excluding any antennas.

A recreational vehicle, a motor vehicle owned by the County or other government
agency, or a [farm] machine or [farm] vehicle for agricultural use is not a heavy
 commercial vehicle. A heavy commercial vehicle must not be used as an office nor
have customer entry for a retail transaction unless parked on private property in a
commercial or industrial zone.

Commercial vehicle, light: Any motor vehicle or trailer used for carrying freight
or merchandise or used in the furtherance of any commercial enterprise that is not
a heavy commercial vehicle. A light commercial vehicle must not be used as an
office nor have customer entry for a retail transaction. A recreational vehicle, a

motor vehicle owned by the County or other government agency, or a machine or a vehicle for agricultural use is not a light commercial vehicle.

* * *

Home health practitioner's office: The office of a health practitioner who resides in the dwelling unit in which the office is located. For this purpose, a health practitioner is defined as a person who is licensed or certified by a Board under the Maryland Department of Health and Mental Hygiene and has an advanced degree in the field from an accredited educational institution, except that this definition excludes an electrologist, mortician, nursing home administrator, pharmacist or veterinarian. This definition includes a registered nurse or physician's assistant only if that person has an advanced degree in the field and practices independently. A home health practitioner's office that does not qualify for registration in accordance with Sections 59-A-3.4 and 59-A-6.1(a) and (d) may obtain a special exception as a major home occupation, in accordance with Section 59-G-2.29.

Home occupation: Any occupation, other than a registered home health practitioner's office, that provides a service or product and is conducted within a dwelling unit by a resident or residents of the dwelling unit without diminishing its residential character.

In this subsection and in Section 59-A-6.1 the following words and phrases have the meanings indicated:

Proof of location where a person lives: any valid document such as a current lease agreement, utility bill showing the address of the property, bank statement, or any other proof of location where a person lives established by executive regulations under method 2 of Section 2A-15.

Eligible area: The total number of square feet of floor area in any building on a property, including the area of a basement and any accessory building

80 on the same lot but excluding the area of any cellar, uncovered steps and
81 uncovered porches. All horizontal measurements must be made between
82 interior faces of walls. Eligible area excludes any addition to any building
83 and accessory building that was constructed within 18 months of the date the
84 Department approved the home occupation.

85 **Visit:** Any trip to the home occupation site for any purpose related to the
86 home occupation.

87
88 A home occupation has the following characteristics:

- 89 (a) It is clearly subordinate to the use of the dwelling unit for residential
90 purposes and requires no external modifications that detract from the
91 residential appearance of the dwelling unit.
- 92 (b) It is conducted entirely within the dwelling unit or any existing
93 accessory building, as defined in this section, and does not use any
94 open yard area of the lot or parcel on which the dwelling unit is
95 located or any building constructed on the lot or parcel specifically for
96 the purpose of operating the home occupation, except for loading and
97 unloading tools and equipment associated with a lawn maintenance
98 service from not more than two single axle trailers or trucks (all
99 storage and maintenance of these tools and equipment, however, must
100 be within the dwelling unit or any existing accessory structure). It
101 may, however, involve off-site activities such as sales, client contact
102 and other matters related to the home occupation.
- 103 (c) It uses no equipment or process that creates noise, vibration, glare,
104 fumes, odors or electrical or electronic interference detectable at or
105 beyond the lot line. It does not involve use, storage or disposal of:

- (1) A quantity of a petroleum product sufficient to require a special license or permit from the fire marshal; or
- (2) Any material defined as hazardous or required to have a special handling license by the Montgomery County Code, as amended, or the Annotated Code of Maryland, as amended, except that disposal of medical waste must be regulated as provided in Maryland State Laws and Regulations.

A home occupation includes, but is not limited to, the office of a member of a recognized profession, such as a lawyer, accountant, architect, engineer, or veterinarian who resides in the dwelling unit in which the office is located. A home occupation does not include the following: bed-and-breakfast establishment, boardinghouse, day care facility, display of furniture not made in the home for sale in the home or at an offsite location, landscape contractor, private educational institution, tourist home, or the repair and maintenance of motor vehicles.

Home occupation, major: A home occupation, as defined above, that is regulated [in accordance with] under the special exception provisions of Section 59-G-2.29; it may include a home health practitioner's office whenever that office does not qualify for registration [in accordance with] under Sections 59-A-3.4 and 59-A-6.1.

Home occupation, no impact: A home occupation, as defined above, that is regulated [in accordance with] under the applicable requirements and standards of 59-A-6.1(a) and (b) and is not required to register.

Home occupation, registered: A home occupation, as defined above, that is accessory to the residential use of the dwelling unit in which it occurs and is registered [in accordance with] under Sections 59-A-3.4 and 59-A-6.1(a) and (c).

Home occupation residential parking area: Any [portion] surfaced area of a lot or parcel in an R-60 or R-90 zone on which [is conducted] a registered home occupation[:

(1) where the natural surface has been altered by gravel, stone, brick, concrete, asphalt, mulch, or any other material that facilitates the parking of a motor vehicle; and]

[(2) which is readily accessible for the parking of a motor vehicle].

is conducted. A fully enclosed garage, or a carport is not a home occupation residential parking area.

* * *

Surfaced area: Land where the natural surface has been altered by gravel, stone, brick, concrete, asphalt, or any other material that facilitates the parking of a motor vehicle.

* * *

Sec. 2. DIVISION 59-A-3 is amended as follows:

Division 59-A-3. Building and Use-and-Occupancy Permits; Registration of Certain Uses.

* * *

Sec. 59-A-3.2. Use-and-occupancy permit.

59-A-3.21. Generally.

A use-and-occupancy permit certifying compliance with this Chapter must be issued by the Director before any building, structure, or land can be used or can be converted, wholly or in part, from one use to another. However, a use-and-occupancy permit is not required for:

(a) [A building used exclusively as a one-family, detached dwelling or for uses incidental to the residential use.] A registered home occupation

or a no-impact home occupation that is deemed to be incidental to the residential use. A registered home health practitioner's office is not incidental; it requires a use-and-occupancy permit unless it is subject to the exemption provisions of Section 59-A-6.1(d)(9). The use-and-occupancy permit cannot be issued unless the practitioner has signed the Affidavit of Compliance required by Section 59-A-3.42.

* * *

Sec. 59-A-3.4. Registration of a home occupation or home health practitioner's office.

59-A-3.41. Requirement.

Any home occupation (except a no-impact home occupation), or home health practitioner's office, as defined in Section 59-A-2.1, that complies with Section 59-A-6.1 and is not required to have a special exception must be registered with the Department. [At the time of registration, the] An application must be submitted to the Department. The Department must give the registrant a copy of the applicable regulations as stated in Section 59-A-6.1 when the applicant submits the application. [An application must be submitted to the Department, which]. The Department must maintain the Home Occupation and Health Practitioner Registry and issue a Certificate of Registration if the use complies with Section 59-A-6.1.

59-A-3.42. Application.

The application must include an Affidavit of Compliance with those regulations, which the applicant must sign. It must also provide the following information:

- (a) Manner in which the operation of the home occupation complies with Section 59-A-6.1;

- (b) Location of the property by street address and either lot and block number or liber and folio;
- (c) Zone in which the property is located;
- (d) Area of the lot or parcel, in square feet or acres;
- (e) Total floor area of the dwelling unit and the amount of floor area to be utilized for the home occupation; floor area of any existing accessory building to be utilized for the home occupation;
- (f) Location and number of off-street parking spaces;
- (g) Evidence that the applicant resides in the home ;
- (h) Other pertinent information required by the Department.
- (i) For a home health practitioner's office only, evidence that the practitioner is exempt from the provision of Section 59-A-6.1(d)(9) if applicable. If the practitioner is not exempt, a copy of the use-and-occupancy permit required by Section 59-A-3.21(a) must accompany the application, and the practitioner must describe the location of an indoor waiting room for patients.

59-A-3.43. Compliance and Enforcement.

- (a) By signature of the Affidavit of Compliance, the applicant for a registered home occupation or home health practitioner's office affirms that he or she resides in the dwelling unit in question and agrees to comply with Section 59-A-6.1 of this Chapter and to take whatever action is required by the Department to bring the home occupation or practitioner's office into compliance if complaints of noncompliance are received and verified.
- (b) When the application for the registered home occupation is

completed and the affidavit is signed, the Department must determine whether the home occupation or practitioner's office, as described in the application, complies with the applicable sections of this Chapter. If it does comply, the Department must record it in the Home Occupation and Health Practitioner Registry and issue a Certificate of Registration.

A registered home occupation may not begin operation without an on-site inspection. The home occupation or practitioner's office must not be recorded in the Registry, and the Certificate must not be issued if the home occupation or practitioner's office, as described, does not comply fully with Section 59-A-6.1.

(c) The Home Occupation and Health Practitioner Registry must be readily available for public inspection. If the Department receives [written notice of a violation of] a complaint about a registered home occupation or home health practitioner's office, an inspector must inspect the property and determine, within 90 days after receipt of the complaint, whether there is a violation of the provisions of this section or Section 59-A-6.1. [If the Department determines that there is no violation, the operator of the home occupation or home health practitioner's office and the complainant must be so notified in writing.]

(d) If the Department determines at any time that there is a violation, a [warning] citation must be issued[, and the]. [The violation must be corrected within 30 days. If it is not corrected, the Department must notify the operator of the home occupation or home health practitioner's office that either]:

- 241
- 242 [(1) The home occupation or home health practitioner's
- 243 office must cease immediately; or]
- 244 [(2)] In the case of any violation that might be remedied with a
- 245 special exception, a petition must be filed within [10] 60
- 246 business days for a special exception for a major home
- 247 occupation [in accordance with] under Section 59-G-2.29.
- 248 Operation of the registered home occupation or home health
- 249 practitioner's office may continue until the Board has acted on
- 250 the petition, provided the violation is corrected [during this
- 251 period] before the application for a special exception is filed.
- 252 The home occupation or home health practitioner's office must
- 253 cease immediately if the Board denies the special exception.
- 254 (e) [Violation of an order] A citation issued by the Department is subject
- 255 to a penalty [in accordance with] under Section 59-A-1.3 of this
- 256 Chapter. [The determination by the Department as to whether there is
- 257 a violation may be appealed to the Board, in accordance with under
- 258 Section 59-A-4.11.]

259

260 Sec. 59-A-3.5. Termination of Home Occupation.

261

- 262 (a) The repair and maintenance of motor vehicles for compensation must
- 263 not be conducted as a no-impact home occupation. The repair and
- 264 maintenance of motor vehicles may be conducted as a registered home
- 265 occupation under the non-conforming use provisions of Division 59-
- 266 G-4 if the use:

(1) was authorized by the Department of Environmental Protection as a registered home occupation under an application filed before October 25, 1994; or

(2) was conducted primarily as a home occupation at a single family detached dwelling under a certificate of registration issued before October 25, 1994 by the Office of Consumer Affairs under Chapter 31A, and all requirements of Section 59-A-3.4 and Section 59-A-6.1(a) and (c) are met by September 20, 1995.

A non-conforming use allowed under (1) or (2) terminates when ownership or occupancy of the residence changes.

(b) The display of furniture not made in the home for sale in the home or at an offsite location must not be conducted as a home occupation. All home occupations of this type must cease operating within 12 months from October 31, 2006.

* * *

Sec. 3. DIVISION 59-A-6 is amended as follows:

Division 59-A-6. Uses Permitted In More than One Class of Zone.

Sec. 59-A-6.1. A no-impact home occupation, registered home occupation, or home health practitioner's office.

(a) The following provisions apply to a no-impact home occupation, a registered home occupation, and to a home health practitioner's office:

(1) Each home occupation operator or home health

practitioner must [reside in the home for a period of at least 220 days in each calendar year] show proof that said operator or home health practitioner lives at the subject location.

[(2) Each home occupation or home health practitioner must maintain a log of all visits made to the home in connection with the use; this log must be available to the Department on request.]

[(3)](2)The amount of floor area used for the home occupation or home health practitioner's office must not exceed 33 percent of the [total floor] eligible area of [the dwelling unit and] any existing [accessory] building on the same lot or parcel. [Any enlargement of the total floor area resulting from construction completed on or after the date of commencement of the home occupation or within the 18 months immediately preceding commencement of the home occupation must be excluded from the total floor area on which this calculation is based.]

[(4) No] (3) Any equipment or process that creates a nuisance [such as noise, vibration, glare, fumes, odors, or electrical or electronic interference detectable at or beyond the lot line of a detached dwelling unit or the floor, ceiling or party wall of an attached dwelling unit is] or violates any law is not allowed in connection with the operation of a home occupation or home health practitioner's office, nor is this operation allowed to involve use, storage, or disposal of:

(A) A quantity of a petroleum product sufficient to

require a special license or permit from the fire
marshal; or

- (B) Any material defined as hazardous or required to
have a special handling license by the Montgomery
County Code, as amended, or the Annotated Code of
Maryland, as amended, except that disposal of medical
waste must be regulated [as provided in] by Maryland
State Laws and Regulations.

[(5) No truck] (4) Truck deliveries are not permitted, except for
parcels delivered by public or private parcel services that
customarily make residential deliveries.

[(6)](5) A home occupation or home health practitioner's office
found to be in violation of any provision of Section 59-A-6.1 is
subject to the enforcement procedures stated in Section 59-A-
3.43(c), (d), and (e).

(b) A no-impact home occupation must comply with the following
standards:

- (1) It must be conducted by a member or members of the family, as
defined in Section 59-A-2.1, residing in the dwelling unit. No
non-resident employees are permitted.
- (2) A maximum of 5 [visits per week by] vehicles used by either
customers or clients visiting the home occupation per week
[including deliveries, is] are allowed in connection with no
impact home occupations on one lot or parcel. [For the purpose

of this section a “visit” is defined as a visit to the home by one automobile transporting one or more clients or customers.]

(3) No sale of goods on the premises is allowed.

(4) Display or storage of goods is limited to samples of merchandise that may be ordered by customers to whom it will be delivered at off-site locations, or merchandise awaiting such delivery, but in no event must the storage of merchandise awaiting delivery exceed 30 square feet of floor area.

(5) [No equipment] Equipment or facilities may not be used other than:

(A) Domestic or household equipment;

(B) Office equipment[, such as a typewriter, word processor, calculator or computer]; or

(C) [Art or handicraft equipment, such as a hand loom, spinning wheel, potter's wheel, kiln, and woodworking tools, or wine-making and beer-making equipment.] Any equipment reasonably necessary for art production, handicraft, or making beer or wine.

(6) If an accessory building is used for any part of the no-impact home occupation, there must be no external evidence of such use. No more than one accessory building may be used for this purpose. A new accessory building must not be constructed for the purpose of conducting the home occupation. For the purpose of this section an accessory building must [have existed for at least 18 months prior to the onset of the business activity

in order to be used as a part of the home occupation] be an eligible area.

- (7) In the residential one-family zones regulated by Section 59-C-1.3 and in recorded residential subdivisions in the agricultural zones regulated by Division 59-C-9, any commercial vehicle that is parked or garaged on-site in connection with the no impact home occupation must comply with the regulations for commercial vehicles in Section 59-C-1.31[, titled "Land Uses."]. In townhouse and multiple family dwellings in zones other than residential one-family or agricultural, one commercial vehicle may be parked on-site in connection with this use if parked in a garage.
- (8) The display of a sign must comply with [the requirements established in] Article 59-F of this chapter.
- (9) A no-impact home occupation must have no discernible impact on the surrounding neighborhood and must be accessory to the residential use of the dwelling unit in which it occurs.
- (10) In the R-60 and R-90 zones[:
 - (A) Not] , not more than two motor vehicles [of a patron, client, or any other non-resident using,] visiting[, or associated with] a no-impact home occupation may be parked at the same time on a lot or parcel where a home occupation is conducted.
- (c) A registered home occupation in a residential or agricultural zone, as provided by Section 59-C-1.31, 59-C-1.71, 59-C-2.3 or 59-C-9.3, must comply with the following standards:

- 398 (1) A maximum of 2 registered home occupations [is] are allowed
 399 in any one dwelling unit.
- 400 (2) It must be conducted by a member or members of the
 401 family, as defined in Section 59-A-2.1, residing in the dwelling
 402 unit, and may employ no more than one nonresident assistant or
 403 business associate [who is required to be at the dwelling unit for
 404 any length of time during the 24-hour day]. For the purposes of
 405 this section no more than one employee may come to the
 406 dwelling unit, within any 24 hour period. The arrival and
 407 departure of the nonresident assistant or associate are not
 408 included in (3) below.
- 409 (3) A maximum of 20 visits per week, and no more than 5 per day,
 410 excluding deliveries, is allowed in connection with one or both
 411 registered home occupations on one lot or parcel. [For the
 412 purposes of this section, a "visit" is defined as a visit to the
 413 home by one automobile transporting one or more clients or
 414 customers. Visits by] Trips to the home occupation by
 415 employees or business associates for the purpose of picking up
 416 paychecks or work orders, or collecting equipment or
 417 merchandise for use, sale or delivery at off-site locations are not
 418 permitted.
- 419 (4) The sale of goods on the premises is limited to:
- 420 (A) Handicrafts or art products or similar hand-made
 421 products or services such as dressmaking, hand-weaving,
 422 block-printing, jewelry, pottery, and musical instruments,
 423 which are produced on site by a resident of the dwelling;
 424 or

(B) [Up to 5 visits per month that involve the] The sale of items customarily ordered on the premises of the registered home occupation for delivery at a later date, to customers at other locations. However, the delivery of the goods to the customer must occur off-site.

(5) Display or storage of goods is prohibited except for:

(A) Such handmade items as enumerated in paragraph (4)(A) above; or

(B) Samples of merchandise that may be ordered by customers to whom it will be delivered at off-site locations, or merchandise awaiting such delivery.

The storage of equipment or merchandise for collection by employees who will use or deliver it at off-site locations is prohibited.

(6) No equipment or facilities may be used other than:

(A) Domestic or household equipment;

(B) Office equipment[, such as but not limited to a typewriter, word processor, calculator or computer]; or

(C) [Art or handicraft equipment, such as but not limited to a hand loom, spinning wheel, potter's wheel, kiln, and woodworking tools, or wine-making and beer-making equipment.] Any equipment reasonably necessary for art production, handicraft, or making wine or beer.

(7) If an existing accessory building is used for any part of the registered home occupation, there must be no external evidence of such use. No more than one existing accessory building may be used for this purpose. [A new] An accessory building must [not be constructed for the purpose of conducting the registered

home occupation. For the purpose of this section an accessory building must have existed for at least 18 months prior to the onset of the business activity in order to be used as part of the home occupation] be an eligible area.

- (8) A registered home occupation must not require construction of any off-street parking area other than that required by the residential use, except that any lot, including one recorded [prior to] before June 1, 1958, with less than the minimum area required by the zone, must have 2 off-street parking spaces. [Newly constructed spaces must be located in the side or rear yard.] If there is a common parking area serving more than one dwelling unit, as in the case of multiple-family or other attached dwelling units, parking in connection with the registered home occupation must not encroach on parking serving neighboring dwelling units.

- (9) In the R-60 and R-90 zones:

- (A) Not more than two motor vehicles [of any non-resident employee, patron, client, or any other non-resident person associated with] of anyone visiting a registered home occupation may be parked at the same time on a lot or parcel where a registered home occupation is conducted.
- (B) A registered home occupation must have a [home occupation] residential parking area on the lot or parcel on which the registered home occupation is conducted that is no greater than that which will accommodate two parked motor vehicles, each with a maximum dimension

of 8.5' x 18', except that the following driveways are deemed to accommodate two parked motor vehicles regardless of the size of the driveways:

- (i) a driveway 12 feet or less in width that provides direct access for a motor vehicle to a public or private right-of-way, to a garage, carport or a home occupation residential parking area for one car; or,
- (ii) a driveway 20 feet or less in width that provides direct access for a motor vehicle to a garage, carport or home occupation residential parking area for more than one car.

(C) Before a Certificate of Registration may be issued, the operator of the home occupation must submit evidence acceptable to the Department that the drainage of the home occupation residential parking area will not damage any nearby property or public street.

(D) [No] A home occupation residential parking area, regardless of when created, may not be established, maintained or used for parking of any motor vehicle on a parcel or lot on which a registered home occupation is conducted [pursuant to] under registration certificate issued after November 18, 2002, except [in accordance with] under the requirements of this section.

(E) For a registered home occupation [for which] with a registration certificate [had been] issued before November 18, 2002, a home occupation residential parking area [that accommodates] for more than two

parked motor vehicles may continue to be used and maintained, [provided that] if such area has been used for parking for a registered home occupation for not less than three years [prior to] before November 18, 2002.

(F) [A registered home occupation for which a registration certificate was issued before November 18, 2002, must bring all home occupation residential parking areas into compliance with the requirements of this section, if any home occupation residential parking area is constructed or increased for use by the registered home occupation after November 18, 2002.]

[(G)] Except for a driveway covered in subparagraph (B)(i) or (ii), or as otherwise provided in this section, each home occupation residential parking area must be set back from a lot line no less than the setback required for accessory structures in the zone:

	R-90	R-60
(1) Front ¹	30 feet	25 feet
(2) Side ²	16 feet	16 feet
(3) Rear ³	25 feet	20 feet

¹ The setback may be reduced up to 50 percent if a four-foot high solid wood fence, masonry wall, berm, evergreen landscaping six feet high [at a time of planting] when planted, or a combination, effectively screens from view

from the ground of adjoining or confronting property, vehicles parked in the home occupation residential parking area.

² The setback may be reduced up to 50 percent if a six-foot high solid wood fence, masonry wall, berm, evergreen landscaping six feet high [at time of planting] when planted, or a combination, effectively screens from view from adjoining or confronting property, vehicles parked in the home occupation residential parking area.

³ For a corner lot, the side yard adjoining a public right-of-way [shall] must be considered as a front yard and the front yard setbacks apply.

(10) In the Residential One-Family Zones regulated by Section 59-C-1.3 and in recorded residential subdivisions in the Agricultural Zones regulated by Division 59-C-9, any commercial vehicle that is parked or garaged on-site in connection with the registered home occupation must comply with the regulations for commercial vehicles in Section 59-C-1.31[, title "Land Uses."]. In the Townhouse and Multiple-Family Zones regulated by Sections 59-C-1.7 and 59-C-2.3, respectively, one commercial vehicle may be parked on-site in connection with this use if parked in a garage.

(11) The display of a sign must comply with [the requirements established in] Article 59-F of this chapter.

(d) A home health practitioner's office, in those agricultural

or residential zones where it is allowed as a registered use [in accordance with] under Section 59-C-1.31, 59-C-2.3 or 59-C-9.3, must comply with the following requirements, except as provided in Paragraph (d)(9), below:

- (1) A use-and-occupancy permit is required, [in accordance with] under Section 59-A-3.2.
- (2) No more than 2 resident health practitioners are allowed; [no] a nonresident health practitioner is not allowed, but nonresident support staff is allowed. A nurse or physician's assistant under the supervision of the resident health practitioner is deemed to be support staff.
- (3) The home health practitioner(s) may be allowed to treat more than one patient or client at a time, provided that this does not result in more than 5 vehicle trips containing not more than 10 patients arriving or departing at the same appointment time.
- (4) Clients, patients, or other visitors must visit by appointment only and must be informed of the correct address and parking location. Emergency patients may visit without appointment; abuse of this exemption may lead to revocation of the Certificate of Registration.
- (5) An indoor waiting room is required for those serving or having more than one patient/client on the premises at the same time.
- (6) The sale of goods on the premises is prohibited, except for medication prescribed by the health practitioner or a prescribed remedial device that cannot be obtained from a commercial source.
- (7) Off-street parking must be provided [in accordance with] under the requirement for a medical practitioner's office, as stated in Section 59-E-3.7. If the lot is in any one-family zone regulated by Section 59-C-

1.3, the parking must be screened; the screening must be equivalent to that required by Section 59-E-2.92, and newly constructed parking must be located at the side or rear yard. If there is a common parking area serving more than one dwelling unit, as in the case of multiple-family dwelling units, parking in connection with the home health practitioner's office must not encroach on parking serving neighboring dwelling units.

(8) The display of a sign must comply with the requirements established in Article 59-F of this chapter.

(9) A home health practitioner who was in practice at the registered location [prior to] before February 5, 1990, is exempt from the requirements to:

(A) Obtain a use-and-occupancy permit, as specified

By Paragraph (1) above;

(B) Provide an indoor waiting room, as specified by

Paragraph (5) above;

(C) Comply with the off-street parking provisions of

Paragraph (7), above; and

These exemptions do not apply to any home health practitioner who begins to practice at the registered location on or after February 5, 1990, nor do they apply if the practitioner moves to another location. No other exemptions from the requirements of this Section 59-A-6.1 apply to any home health practitioner.

* * *

Sec. 4. DIVISION 59-C-1 is amended as follows:

DIVISION 59-C-1. RESIDENTIAL ZONES, ONE-FAMILY

* * *

Sec. 59-C-1.3 Standard Development

The procedure for approval is as set forth in Chapter 50, title "Subdivision of Land," of the Montgomery County Code, as amended.

59-C-1.31. Land uses.

No use is allowed except as indicated in the following table:

-Permitted Uses. Uses designated by the letter "P" are permitted on any lot in the zones indicated, subject to all applicable regulations.

-Special Exception Uses. Uses designated by the letters "SE" may be authorized as special exceptions, in accordance with the provisions of Article 59-G.

	RE-2	RE-2C	RE-1	R-200	R-150	R-90	R-60	R-40	R-4 plex	RMH 200
* * *										
(b) Transportation, communication and utilities.										
Airstrips, in the common open space.		P								
	RE-2	RE-2C	RE-1	R-200	R-150	R-90	R-60	R-40	R-4 plex	RMH 200
Amateur radio facility.	P ⁵¹ /SE	P ⁵¹ /SE	P ⁵¹ /SE	P ⁵¹ /SE	P ⁵¹ /SE	P ⁵¹ /SE	P ⁵¹ /SE	P ⁵¹ /SE	P ⁵¹ /SE	P ⁵¹ /SE
Cable communications system.	SE ⁹	SE ⁹	SE ⁹	SE ⁹	SE ⁹	SE ⁹	SE ⁹	SE ⁹	SE ⁹	SE ⁹
Electric power transmission and distribution lines, overhead, carrying 69,000	P		P	P	P	P	P	P	P	P

volts or less.										
Electric power transmission and distribution lines, underground.	P	P	P	P	P	P	P	P	P	P
Helistop. ⁴⁶										
Parking of automobiles off-street, in connection with commercial uses.	P ³⁹	P ³⁹	P ³⁹	P ³⁹ , 43	[42]	[42]	SE	SE		SE
Parking of vehicles, <u>other than heavy commercial vehicles</u> , off-street, in connection with any use permitted in the zone.	P ^{11,13}	P ¹¹	P ¹¹	P ^{12,13}	P ¹²	P ¹²	P ¹²	P ¹²	P ¹²	P [¹²]*
Pipelines, aboveground.	SE		SE	SE	SE	SE	SE	SE	SE	SE
Pipelines, underground.	P	P	P	P	P	P	P	P	P	P

623 * * *

624 ¹¹ Including [farm] vehicles and [farm] machinery for agricultural use. Not more
625 than 3 light commercial vehicles and not more than one unoccupied recreation
626 vehicle may be parked on any lot at any one time. One additional recreation
627 vehicle may be used on a lot for dwelling purposes for not more than 3 days in any
628 month. A tow truck is not permitted to park with a [disabled car] vehicle attached.
629 The provision for parking motor vehicles off- street in connection with any use
630 permitted in the RE-1 zone does not apply to a lot reclassified from the R- 200 to
631 the RE-1 zone that does not meet the minimum lot size requirement of the RE-1
632 zone. A lot reclassified from the R-200 to the RE-1 zone that does not meet the
633 minimum lot size requirement of the RE-1 zone is subject to the motor vehicle off-
634 street parking provision in effect for the lot before the lot was reclassified from the

R-200 to the RE-1 zone. To provide for a reasonable period of amortization, the use of a lot reclassified from the R-200 to the RE-1 zone that does not conform to this provision may continue to operate for one year following [(effective date of this ZTA) [May 22, 2006]] May 22, 2006. On that date, the use of the lot must be brought into conformity with this provision or cease to operate.

¹² Including [farm] vehicles and [farm] machinery for agricultural use. One light commercial vehicle may be parked on any lot or parcel [provided the vehicle meets all the following: (1) 10,000 pounds or less gross vehicle weight, (2) 19 feet or less in length measured from the extremes of the vehicle or load, or (3) 8 feet or less in height including racks needed for materials]. A tow truck is not permitted to park with a [disabled car] vehicle attached. One recreation vehicle may be parked on a lot or parcel, however it must not be used for dwelling purposes for more than 3 days in any month. [Up to three commercial vehicles owned or operated by the resident of the property may be parked on any lot or parcel in the RMH-200 zone, provided: (1) the lot or parcel used to park commercial vehicles is at least one acre in size; (2) the commercial vehicles are parked in the rear yard of the lot or parcel; and (3) use of the lot or parcel to park commercial vehicles was established before October 23, 2000.] Parking for any vehicle or trailer in a front yard must be on a surfaced area; however, temporary parking for visitors, loading, unloading, or cleaning vehicles or trailers is permitted on any area.

* * *

* Not more than three heavy or light commercial vehicles, owned or operated by the resident of the property may be parked on any lot or parcel in the RMH-200 zone at any time, provided: (1) the lot or parcel used to park commercial vehicles is at least one acre in size; (2) the light commercial vehicles are parked in the rear yard of the lot or parcel; and (3) use of the lot or parcel to park light commercial

vehicles was established before October 23, 2000. Enforcement of this section will not result in the issuance of a civil citation for six (6) months after the effective date of this amendment.

* * *

	RE-2	RE-2C	RE-1	R-200	R-150	R-90	R-60	R-40	R-4plex	RMH 200
59-C-1.328. Coverage.										
-Maximum percentage of net lot area that may be covered by buildings, including accessory buildings:	25	25	15	25	25	30	35	40		25
-Maximum percentage of tract that may be covered by buildings:									35	
-Maximum percentage of tract to be devoted to green areas:									50	
	RE-2	RE-2C	RE-1	R-200	R-150	R-90	R-60	R-40	R-4plex	RMH 200
-In the zones indicated, the maximum percentage of the area of the front yard that can be				<u>30*</u>	<u>30*</u>	<u>30*</u>	<u>35*</u>			

covered by surfaced area excluding the surfaced area in a pipestem driveway on a pipestem or flag shaped lot:										
--	--	--	--	--	--	--	--	--	--	--

669 * * *

670 * Any surfaced area existing before {date of adoption} is not limited by this
671 provision if it is not increased in area. Surfaced area may be a maximum of 50
672 percent of the front yard on a tract that has its primary access from a primary
673 residential street, minor arterial road, major highway or arterial, or any State road.
674 The surfaced area also may also be a maximum of 50 percent where the surfaced
675 area consists of 2 side-by-side parking spaces no larger than 306 square feet. The
676 Department of Permitting Services may grant a petition to increase the maximum
677 percentage of surfaced area in the front yard upon proof by a preponderance of
678 evidence that by reason of exceptional narrowness, shallowness, shape,
679 topographical conditions, or other extraordinary situations or conditions peculiar to
680 a specific parcel of property, the strict application of these regulations would result
681 in peculiar or unusual practical difficulties to, or exceptional or undue hardship
682 upon, the owner of such property. Enforcement of this section will not result in the
683 issuance of a civil citation for six (6) months after the effective date of this
684 amendment.

685 * * *

686

687 **Sec. 5. DIVISION 59-C-9 is amended as follows:**688 **DIVISION 59-C-9. AGRICULTURAL ZONES.**

689 * * *

690 **59-C-9.3 Land uses.**

691 * * *

	Rural	RC	LDRC	RDT	RS	RNC	RNC/TDR
(f) Transportation, Communication and Utilities:							
Airstrip, associated with farm.		SE ²	SE	SE			
Amateur radio facility.	P ⁴⁶ / SE	P ⁴⁶ / SE	P ⁴⁶ / SE	P ⁴⁶ / SE	P ⁴⁶ / SE	P ⁴⁶ / SE	
Cable communication system. ¹⁰	SE	SE	SE	SE	SE	SE	SE
Electric power transmission and distribution line, overhead, carrying more than 69,000 volts.	SE	SE	SE	SE	SE	SE	SE
Electric power transmission and distribution line, overhead, carrying 69,000 volts or less.	P	P	P	P	P	P	P
Electric power transmission and distribution line, underground.	P	P	P	P	P	P	P
Helistop	SE	SE ^{2,11}	SE ^{2,11}	SE ¹¹			
Parking of motor vehicles, <u>other than heavy commercial vehicles</u> , off-street, in connection with any use permitted.	P ₋	P ₋	P ₋	P ₋	P ₋	P ₋	P ₋
Parking of motor vehicles, off-street, in connection with commercial uses.	P ³⁹			P ³⁹			
* * *							

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* On any lot or parcel smaller than 2 acres in size but larger than .5 acres, not more than 3 light commercial vehicles and not more than one unoccupied recreation vehicle may be parked at any one time. One additional recreation vehicle may be used on a lot or a parcel for dwelling purposes for not more than 3 days in any month. On any lot or parcel equal to or smaller than .5 acres in size, not more than one light commercial vehicle and not more than one unoccupied recreation vehicle may be parked at any time.

Vehicles and machinery for agricultural use may be parked on any size lot without restrictions. A tow truck is not permitted to park with a vehicle attached on any size lot or parcel. Enforcement of this section will not result in the issuance of a civil citation for six (6) months after the effective date of this amendment.

** Vehicles and machinery for agricultural use may be parked on any size lot without restrictions. A tow truck is not permitted to park with a vehicle attached on any size lot or parcel. Enforcement of this section will not result in the issuance of a civil citation for six (6) months after the effective date of this amendment.

* * *

Sec. 6. Effective date. This ordinance takes effect 20 days after the date of Council adoption.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

**Proposed DPS Standard Operating Procedure
Working Without a Permit – Enforcement**

Complaint Investigations

When a DPS inspector discovers that work has been performed without a permit or a use is in violation of Chapter, 8 Building, Chapter 17 Electricity, Chapter 19 Erosion, Sediment control and Storm Water Management, Chapter 49 Streets and Roads, Chapter 27A. Individual Water Supply and Sewage Disposal Facilities, or Chapter 59 the Zoning Ordinance the inspector will issue the violator a civil citation immediately. A Notice of Violation will not be issued for work performed without a permit or for any use violations.

Bill No. xx-08
 Concerning: Storage of unused vehicles
 Revised: 08/20/08
 Draft No. 2
 Introduced: _____
 Expires: _____
 Enacted: _____
 Executive: _____
 Effective: _____
 Sunset Date: _____
 Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: The Council at the request of the County Executive

AN ACT to:

- (1) amend the definition of rubbish in chapter 26;
- (2) generally limit the storage of unused vehicles on residential property to 30 days;
- (3) make the unused vehicle provisions of the law consistent; and
- (4) generally amend the law governing the storage of unused vehicles.

By amending

Montgomery County Code	
Chapter 26	Housing and Building Maintenance Standards
Section 26-2	Definitions
Section 26-9	Maintenance of dwelling units
Chapter 48	Solid Wastes
Section 48-24A	Storage of [motor] vehicles

And by adding

Section 26-17A Hardship permits

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Section 26-2 is amended as follows:**

2 Sec. 26-2. Definitions.

3 In this Chapter, the following words and phrases have the following
4 meanings unless the context clearly indicates otherwise:

5 * * *

6 **Rubbish:** All refuse, combustible or noncombustible, except garbage.

7 Rubbish includes any debris from building construction or reconstruction,
8 dead tree, uprooted tree stump, rubble, street refuse, [unused vehicle,]
9 disabled machinery, bottle, can, waste paper, cardboard, sawdust pile, slash
10 from sawmill operations, or other waste material.

11

12 **Unused vehicle:** A [device] motor vehicle or trailer in, on, or by which any
13 person or property may be transported on a public street, [which] that is:

14 (a) inoperable or, if operable, not currently registered by a government
15 agency which registers vehicles of that type in Maryland, and

16 (b) not completely enclosed in a garage or other building.

17 An unused vehicle does not include any farm equipment which is kept on
18 a property of 2 or more acres on which crops are grown and harvested, and
19 which is used to grow and harvest crops.

20

21 * * *

22 **Sec. 2. Section 26-9 is amended as follows:**

23 Sec. 26-9. Maintenance of dwelling units.

24 Unless otherwise stated, the owner of each dwelling or dwelling unit
25 must assure compliance with the following standards at all times. All
26 installation, repair, and replacement must be performed in a workmanlike

manner and with materials having properties and qualities substantially equal to or better than the original materials.

(a) Basic requirements.

* * *

(13) A person must not store any unused vehicle on residential property for more than 30 days within any one year period unless a person living in the household has received an extension under section 26-17A of this code.

* * *

Sec. 26-17A Unused vehicle storage extensions.

The Department Director may grant an owner or occupant of a residential property an extension to store an used vehicle on residential property for more than 30 days for good cause shown.

Good cause includes, but is not limited to:

(1) The owner of the vehicle recovering from an illness or accident;

(2) The owner of the vehicle on a foreign assignment for the United States Government;

(3) Demonstration of extreme financial hardship; or

(4) Suspension of the driver's license of the owner of the vehicle.

* * *

[Sec.3. Section 48-24A is amended as follows:]

Sec. 48-24A. Storage of [motor] vehicles.

(a) In this section, "unused [motor] vehicle:"

(1) Means a vehicle that is:

a. [Not] Inoperable or not currently registered by a government agency; and

b. Not subject to section 48-24 of this Code;

- 54 (2) Includes trailers; and
- 55 (3) Does not include farm tractors or any farm equipment
- 56 such as automobiles and trucks that are:
- 57 a. Kept on properties consisting of [two (2)] 2 or
- 58 more acres on which crops are being grown and
- 59 harvested; and
- 60 b. Used for the purpose of growing and harvesting
- 61 crops.
- 62 (b) A person must not store an unused [motor] vehicle on
- 63 residential property for more than [ninety (90)] 30 days within
- 64 any one year period unless an unused vehicle storage extension
- 65 was issued to the person under section 26-17A of this code. [the
- 66 unused motor vehicle:]
- 67 [(1) Is completely shielded from the view of individuals on
- 68 adjoining property; for example, as by a six-foot solid
- 69 wood fence or dense evergreen hedge; and
- 70 (2) Is stored within the building setback lines of the property;
- 71 or
- 72 (3) Has a permit issued under this section.]
- 73 [(c) (1) A person living in the household may apply to the
- 74 department for a permit to store an unused motor vehicle
- 75 on residential property for more than ninety (90) days in
- 76 cases of serious hardship.
- 77 (2) Serious hardship includes:
- 78 a. The owner of the vehicle recovering from an
- 79 illness or accident;

b. The owner of the vehicle on a foreign assignment for the United States Government; or

c. Suspension of the driver's license of the owner of the vehicle.]

[(d) The department must issue a permit to store an unused motor vehicle on residential property if the application for the permit is complete and includes satisfactory documentation of eligibility for the permit.]

[(e) A permit issued under this section:

(1) May be issued for up to one (1) year; and

(2) May be renewed.]

[(f) The county executive must adopt regulations under method (2) of section 2A-15 of this Code to carry out this section.]

* * *

Sec. 4. Effective Date

This Act takes effect 90 days after it becomes law.

Approved:

Michael J. Knapp, President, County Council

Date _____

Approved:

Isiah Leggett, County Executive

Date _____

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

Date _____

Bill No. _____
 Concerning: Buildings-Permits
 Revised: _____ Draft No. 1
 Introduced: _____
 Expires: _____
 Enacted: _____
 Executive: _____
 Effective: _____
 Sunset Date: None
 Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the request of the County Executive.

AN ACT to:

- (1) _____; and
- (2) generally amend County law regarding parking restrictions in residential areas.

By amending

Montgomery County Code
 Chapter 8, Buildings
 Sections 8-25 and 8-26

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Sections 8-25 and 8-26 are amended as follows:**

2 **8-25. Permits.**

3 (a) **Action on application.** The Director must examine or cause to be
4 examined each application for a building permit or an
5 amendment to a permit within a reasonable time after the
6 application is filed. If the application or the plans do not conform
7 to all requirements of this Chapter, the Director must reject the
8 application in writing and specify the reasons for rejecting it. If
9 the proposed work conforms to all requirements of this Chapter
10 and all other applicable laws and regulations, the Director must
11 issue a permit for the work as soon as practicable.

12 (b) **Time limit.**

13 [(1) A building permit is invalid if:

- 14 (A) an approved inspection, as required by this Chapter,
15 is not recorded in the Department's inspection
16 history file within 12 months after the permit is
17 issued and a second approved inspection is not
18 recorded in the Department's inspection history file
19 within 14 months after the permit is issued; or
20 (B) the authorized work is suspended or abandoned for a
21 period of 6 months.]

22 (1) **Inspections and completion.**

- 23 (A) Any building permit for a one-family dwelling or
24 for a structure or building accessory to the
25 residential use must have an approved inspection, as

required by this Chapter, within 6 months after the permit is issued.

(B) In any renovation, addition or new construction of a dwelling or other structure on the premises, the owner must complete each exterior surface, including windows, wall siding, and roof within one year after the building permit was first issued, or within one year after construction started if no building permit was required.

(C) Any building permit for a one-family dwelling or for a building or structure accessory to the residential use must have an approved final inspection, as required by this Chapter, within 18 months after the permit is issued.

(2) The Director [must] ~~may extend a permit for 6 months~~ allow two extensions for a permit not to exceed 6 months each if the permit holder, before the permit expires, files a written request for an extension and pays an extension fee equivalent to the minimum fee then applicable to the original permit. Except as provided in paragraph (3), the Director must not grant more than one extension per permit under this subsection.

(3) For any building located in an enterprise zone, the Director may extend a permit for additional 6-month periods if the permit holder:

(A) shows good cause for each extension;

(B) requests an extension in writing before the permit expires; and

(C) pays the fee specified in paragraph (2).

* * *

8-26. Conditions of permit.

* * *

(n) The Director must record the following inspections in the Department's inspection history file of a building permit for a one-family dwelling or for a building or structure accessory to the residential use:

(1) An approved inspection, other than the sign inspection, 6 months after the permit is issued;

(2) An approved inspection of any exterior surface, including windows, wall siding, and roof, installed as part of any renovation, addition or new construction of a dwelling or other building or structure on the premises within one year after the building permit was first issued; and

(3) An approved final inspection within 18 months after the permit is issued unless the Director has extended the permit under Section 8-25 (b) (2).

(o) A permit holder must not continue any work under a permit that has expired.

Approved:

Michael Knapp, President, County Council

Date

77 *Approved:*

78

Isiah Leggett, County Executive

Date _____

79 *This is a correct copy of Council action.*

80

Linda Lauer, Clerk of the Council

Date _____

Bill 00-08
Buildings – Permits

DESCRIPTION: A bill to make changes to the time limits for residential building permits. These changes will align timing of completion of building permits with those required by Chapter 26.9A (3).

PROBLEM: Residential building permits are not being finalized and, in some cases, building projects are continuing a number of years.

GOALS AND OBJECTIVES: To require the prompt completion of residential building projects and to ensure that all structures covered by a residential building permit receive all the necessary and proper inspections.

COORDINATION:

FISCAL IMPACT:

ECONOMIC IMPACT:

EXPERIENCE

ELSEWHERE:

SOURCE OF INFORMATION:

APPLICATION

WITHIN

MUNICIPALITIES:

PENALTIES:

Bill No. _____
 Concerning: Commercial
and Recreational
vehicles—Parking
Restrictions

 Revised: _____ Draft No. 1
 Introduced: _____
 Expires: _____
 Enacted: _____
 Executive: _____
 Effective: _____
 Sunset Date: None
 Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the request of the County Executive.

AN ACT to:

- (1) restrict the parking of both commercial and recreational vehicles in certain residential areas;
and
- (2) generally amend County law regarding parking restrictions in residential areas.

By amending

Montgomery County Code
 Chapter 31, Motor Vehicles and Traffic
 Sections 31-1, 31-14 and 31-20

By adding

Montgomery County Code
 Chapter 31, Motor Vehicles and Traffic
 Section 31-14A

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Sections 31-1, 31-14, and 31-20 are amended, and Section 31-14A is added, as follows:

ARTICLE I. DEFINITIONS

31-1. Definitions.

* * *

Heavy [C]commercial vehicle: Any motor vehicle [and] or [any] tandem axle trailer or semi[]trailer designed and used for carrying freight or merchandise [and every motor vehicle] or used [in any way] in the furtherance of any commercial enterprise that is:

- (a) equal to or greater than 10,000 pounds gross vehicle weight (GVW);
- (b) rated by the manufacturer with a load capacity equal to or greater than one ton;
- (c) 19 feet long or longer measured from the extremes of the vehicle including any object loaded on the vehicle;
- (d) 8 feet high or higher, with properly inflated tires, measured from the ground to the highest part of the vehicle including any racks but excluding any antennas.

[Such term does not include] A recreational vehicle, a motor vehicle owned by the [c]County or other governmental agency [and used primarily for carrying passengers or materials or other vehicle of a capacity of one (1) ton or less], or a farm machine or a farm vehicle for agricultural use is not a heavy commercial vehicle. A heavy commercial vehicle must not be used as an office nor have customer entry from a retail transaction.

* * *

Recreational vehicle: A duly licensed and registered vehicle, with or without motor power, which is solely intended for the leisure use of the operator and guests. A **recreational vehicle** must not be used as an office nor have customer entry for a retail transaction. For the purpose of this Chapter the following are recreation vehicles:

- (a) motor homes;
- (b) travel trailers;
- (c) campers or camping trailers including truck inserts and collapsible units; or
- (d) non-freight trailers as defined by the Maryland Motor Vehicle Administration, used to transport other leisure equipment such as a boat, horse, motorcycle, show car, race car, snowmobile, or bicycle.

* * *

31-14. Parking of heavy commercial vehicles or buses [abutting] near residences, schools, churches, hospitals, playgrounds, etc.

[It shall be unlawful to park any] A **heavy commercial vehicle** or bus can only park on [that side of any] a public road [abutting any private residence, apartment house, church, school, hospital or playground except] where both sides of the road abut properties zoned exclusively for commercial or industrial uses unless:

- (a) [when such] the vehicle or bus is [actually engaged in] being used at the time to load[ing] or unload[ing] passengers, merchandise or materials;
- (b) [or when] the vehicle is being used by [the] its owner or operator [actively engaged in] to perform work on the premises

of [the] a residence, apartment house, church, school, hospital
or playground[.];

(c) [At authorized terminal stands of] the bus [routes operating
under a permit from the state public service commission,] stops
[may be made] for a [sufficient] period of time, not to exceed
thirty (30) minutes, [for the purpose of] to maintain[ing] a
schedule[s] at an authorized terminal stand for a bus route
operating under a permit from the Maryland Public Service
Commission[.]; or

(d) [This section shall not apply to a] the vehicle is involuntarily
parked because of mechanical failure or other emergency [,
provided such vehicle is removed within] for [a reasonable
period of time] not more than forty-eight (48) hours.

* * *

31-14A. Parking of recreational vehicles restricted.

A person must not park a recreational vehicle on any public road
unless the vehicle is being used to load or unload passengers or their
personal belongings and the vehicle does not remain on the public
road for longer than twenty-four (24) hours.

* * *

31-20. Parking prohibited, specifically.

Except when necessary to avoid conflict with other traffic or in
compliance with law or the directions of a police officer or official
traffic-control device, [no] a person [shall] must not:

(a) Stop, stand or park a vehicle whether occupied or not:

* * *

(10) Between a sidewalk or roadway [edge] curb and the
property edge of a public street or highway [when
parking is prohibited by official sign adjacent to the
roadway or median strip dividing any public street or
highway] except in an emergency.

* * *

Approved:

Michael Knapp, President, County Council Date

Approved:

Isiah Leggett, County Executive Date

This is a correct copy of Council action.

Linda Lauer, Clerk of the Council Date

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Bill 00-04
Commercial and Recreational Vehicles – Parking Restrictions

DESCRIPTION:

PROBLEM:

GOALS AND
OBJECTIVES:

COORDINATION:
FISCAL IMPACT:

ECONOMIC IMPACT:

EXPERIENCE
ELSEWHERE:

SOURCE OF
INFORMATION:

APPLICATION
WITHIN

MUNICIPALITIES:

PENALTIES:

Alternate Locations Considered for Parking Commercial and Recreational Vehicles in Montgomery County

As part of the a revision process for Montgomery County Code Section 31-14, it was determined that County should consider potential alternative locations for where commercial and recreational vehicles can park if they further restricted from parking on publicly maintained roadways. Outlined below are several options that have been investigated:

Business Locations

The most obvious alternative would be to have businesses to park their commercial vehicles on their property when they are not in use. Commercial developments are required to provide enough parking for their employees and clients during business hours as outlined in Section 59-E-3.7, and therefore should have enough space for their vehicles during non-business hours. This does not address small businesses run out of private residences and may have the following negative consequences: businesses may not be able to offer the benefit of a take home vehicle; employees may then be required to purchase and maintain additional vehicles; additional trips will be required as employees drive from their residence to the business location and then to the job site as opposed to directly to the job site.

Park and Ride Lots

Under utilized park and ride lots maintained by Maryland SHA were discussed as other potential parking alternatives. SHA was contacted and will be sending a formal response in opposition to this idea. Tom Hicks, SHA Director of the Office of Traffic and Safety, stated that while SHA has not cracked down on people who currently park commercial or recreational vehicles in their park and rides, they do not want more of these vehicles. The main reasons for opposition are that these lots are a key component in mitigating traffic congestion and more commuters are utilizing these lots as a result of high fuel prices. SHA wants to make sure that there is enough space for existing and future commuters. Long-term parking reduces the number of spaces available and overnight parking that requires operators to drive to the lot and then drive away is counter-productive to the very intent of the lots.

Truck Stops

Commercial truck stops are a viable option for heavy commercial vehicles, such as semi trackers. However, while there are numerous truck stops within 40 miles of Montgomery County, currently there are none located within Montgomery County. As identified through the America's Independent Truckers' Association, Inc., the Frederick Shell is the closest located off of Interstate 270 in Frederick, Maryland (26 miles from the EOB). The closest off of Interstate 95 is the Travel Centers of America in Jessup, Maryland (31 miles from the EOB).

Privately Owned Storage Facilities

There are a number of potential self storage locations for recreational vehicles in Montgomery County including Uncle Bob's Self-Storage in Gaithersburg, Gude Self Storage in Rockville and White Oak Private Storage in Silver Spring. These allow owners to rent parking spaces for their vehicles.

On-Street Parking

It was discussed that current parking prohibitions and restrictions in areas zoned for commercial and industrial use could be reexamined and possibly removed if safety or traffic operations will not be affected. There are a number of locations in industrial parks such as around the airpark or in office complexes where restrictions could be reconsidered to allow overnight parking. These roadways have a paved width of 48 feet or more, and often times have a low volume on-street parking (often because parking is restricted or prohibited).

One location for this would be Prosperity Drive/Old Columbia Pike between Cherry Hill Road and Industrial Parkway. This road has a paved width of 50 feet, is approximately a half mile long and abuts either commercial / industrial development or Columbia Pike (US 29). Currently, on-street parking is either prohibited or restricted overnight along this entire segment. Another location that could be considered is Century Boulevard east of Aircraft Drive off of MD 118 in Germantown. This road has four lanes; however, currently traffic volumes are such that the outer lanes could potentially be used for on-street parking during off-peak hours. "No Parking" corner clearances aside this would provide approximately $\frac{3}{4}$ of a mile on each side of the road for on-street parking.

Differences Between Work Group's Proposed On-Street Parking Restrictions and Council Proposed Bill 27-08

For several months, a Work Group made up of representatives from POL, FRS, DEP, DPS, DHCA and DOT has been discussing revisions to a variety of Montgomery County Codes Sections to better serve residents at the request of the County Executive. One of the sections that was discussed at length was **Section 31-14 – Parking of commercial vehicles or buses abutting residences, schools, etc.** The County Council, headed by Councilmember Mike Knapp has also been examining revisions to this particular section and held a public hearing on July 22nd to discuss the proposed revisions. The following outlines the differences between the revisions proposed to 31-14 by the Work Group and those proposed by the County Council.

The primary difference between the two proposed revisions is that the Council's version continues to outline where commercial vehicles and buses cannot park on county maintained roads whereas the Work Group's indicates where these types of vehicle can park. The Council's version further restricts these vehicles from parking on a block where either side of that block abuts a private residence, school, etc. The Work Group's version takes an opposing approach by limiting on-street parking to roads where both sides of that road abut a commercial or industrial zone. Both versions have exceptions to this restriction. The Work Group feels that their version is less confusing for residents and businesses and easier to enforce.

A second difference between the two revisions is that the Work Group's version addresses recreational vehicles in a separate 31-14a section. Since the language of the panel's 31-14 restricts parking to commercial and industrial zones, it did not want to include recreational vehicles as this could create an unfair burden on businesses in these zones. It would also allow recreational vehicles to remain on-street for a 24-hour period, not a 12-hour period as is proposed by the Council.

The Council's version would allow a commercial vehicle to remain on-street for "a reasonable period of time" in case of mechanical failure or other emergency. This is ambiguous and open to interpretation. In the Work Group's version vehicles in this situation could only remain on-street for up to 48 hours. This time limitation would be consistent with the county's definition of an abandoned vehicle, which would make the vehicle subject for tow.

Finally, there is minor difference between the revised definition of a "commercial vehicle" in Council's code revisions and the Work Group's. In an effort to coordinate definitions between various county departments, the Work Group developed a definition for a "heavy" and "light" commercial vehicle. The Work Group's revised version of 31-14 would only restrict heavy commercial vehicles on-street parking. The definition of a heavy commercial vehicle is nearly identical to that of Councilmember Knapp's so there are no issues with certain vehicles not being included. However, by including the word "heavy" in the DOT definition, it will allow DPS to use both a definition for a "heavy" and "light" commercial vehicle.

LETTER AGREEMENT
BETWEEN
DEPARTMENT OF ENVIRONMENTAL PROTECTION,
DIVISION OF SOLID WASTE SERVICES
AND
THE DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS,
DIVISION OF HOUSING AND CODE ENFORCEMENT

This Letter Agreement (Agreement) made this day of , 2008 by and between the Department of Environmental Protection, Division of Solid Waste Services (DSWS) and the Department of Housing and Community Affairs, Division of Housing and Code Enforcement (DHCE) and concerns code enforcement boundaries for residential and commercial solid waste and recycling in Montgomery County.

General Background

A. DSWS is responsible for:

1. The administration of contracts and enforcement of laws, rules and regulations providing for the collection of solid waste and recyclables from single family residential properties located in Montgomery County, Maryland (excluding municipalities); and
2. The enforcement of laws, rules and regulations governing the collection of solid waste and recyclables from multi-family and commercial properties located in Montgomery County (excluding municipalities).

B. DHCE is responsible for:

1. The enforcement of laws, rules and regulations governing storage of solid waste and recyclable materials located on residential property in Montgomery County, other than that which has been placed at the curb for collection.

Agreement

DSWS and DHCE hereby agree to the following:

1. The Collections Section of the DSWS shall be responsible for the enforcement of the contracts, laws, rules and regulations governing solid waste and recyclable materials generated on residential properties in Montgomery County (excluding municipalities) as they relate to Chapters 26 and 48 of the Montgomery County Code, and Executive Regulation 15-04AM, that have been placed within ten feet of the curb or roadway immediately in front of a single family residential dwelling for the purpose of receiving collection and disposal services.
2. The Recycling Section of DSWS shall be responsible for the enforcement of Chapter 48 of the Montgomery County Code and Executive Regulation 15-04AM which governs recycling in Montgomery County (excluding municipalities) as they pertain to all multi-family properties and commercial properties.
3. DHCE shall be responsible for enforcement of Chapter 26 of the Montgomery County Code, and the laws, rules and regulations governing solid waste and recyclable materials located on residential property in Montgomery County, and are more than ten feet from

the curb or roadway, and that have not been placed curbside for the purpose of receiving collection and disposal services.

4. DSWS and DHCE agree to work cooperatively to enforce the laws, rules and regulations that govern solid waste and recyclable materials in Montgomery County.

Robert G. Hoyt, Director
Department of Environmental Protection

Richard Y. Nelson, Jr., Director
Department of Housing and Community Affairs

Approved as to form and legality this
____ day of _____ 2008

Terrilyn E. Brooks
Associate County Attorney

Non-English Speaking Inspections Subgroup – Policy Statement

The Department of Permitting Services (DPS), Department of Environmental Protection (DEP), and Department of Housing and Community Affairs (DHCA) will follow the Limited English Proficiency (LEP) Policy as outlined in the Employee Resource Book that is currently available on the County's intranet. They will also call their respective offices as necessary to seek assistance for clients with limited English proficiency when needed.

DPS, DHCA, and DEP code enforcement staff will also attend the Limited English Proficiency training every three years. This training will continue to focus on our commitment to excellent customer service and eliminating barriers to services for all residents, including those who face limited English proficiency. The objectives of this three-hour training are:

- 1) Increasing cultural competencies by examining our behaviors and attitudes;
- 2) Developing an awareness and sensitivity of how language and cultural barriers impact customer service;
- 3) Delivering excellent customer service by utilizing the right tools and resources;
- 4) Providing an understanding of the law and how it is applied to Montgomery County;
and
- 5) Providing the tools and resources needed to assist persons with limited English proficiency.

Fire and Rescue Services

Hi. I would like to point out that all of our inspectors are uniformed firefighter/rescuers and all have had the, Diversity training and EEO related classes. This training is repeated occasionally, maybe not every three years, but we all have received the training several times. By Departmental Policy, we have zero tolerance for behaviors that are not appropriate and we already have training available for Spanish classes in addition to providing a pay differential for those proficient in any foreign language. Our folks are trained in how to address and overcome the language barriers that they may face particularly in the emergency response world. It begins in their recruit class training and continues through out their careers. My point is I think that we already have addressed this language issue. I think it would be redundant to require the LEP training and the three year refresher program for the personnel in our Section since they already have received this training as uniform personnel. Just my thoughts. Mike H.

BATTALION CHIEF MICHAEL T. HAMILTON
ASSISTANT FIRE MARSHAL
MONTGOMERY COUNTY FIRE AND RESCUE SERVICE
OFFICE OF THE FIRE MARSHAL
FIRE CODE ENFORCEMENT SECTION
255 ROCKVILLE PIKE, 2ND FLOOR
ROCKVILLE, MD 20850

Police

We have mandatory policies in place regarding dealing with non-English speaking people:
Our directives indicate that we are to:

- Contact the dispatcher for a generally Spanish-speaking officer if one is necessary (or other language if needed). We have Korean, Mandarin Chinese, Vietnamese, Russian, Farsi, etc. speaking officers on the department. I have over 12 Spanish speaking officers assigned to 4D.
- If one is not available to respond to the scene, officers are to contact the language line and use the interpreters – which we do while on the street, with suspects and witnesses and at the station post-arrest.
- Everyone on the department has already attended 3 years in a row of mandatory Diversity Training
- We have a F/T Spanish instructor at the Academy who teaches Spanish classes, the training is open to all officers and the classes are currently full.
- The LEP was issued to all officers on the department.

*Commander Nancy C. Demme
Montgomery County Police Department
Fourth District*

Proposed DHCA Repeat Offenders Policy

The Department of Housing and Community Affairs, Division of Code Enforcement will institute the following procedures for certain properties that repeatedly violates Chapter 26 of Montgomery County's Building and Maintenance laws.

1. All case that have received a civil citation will have the abatement order box checked requesting the court to issue an abatement order for violations not corrected prior to the scheduled court hearing. These abatement orders require the owner to correct noted violations and refrain from future violations.
2. Abatement orders are serviceable for up to 10 years for that owner/property. Enhancements to our department's database will be made to show that an abatement order has been filed against said owner/property when property/owners are researched.
3. If the same property/owner is found to be in violation of the same infractions within a 6 months period, a notice to correct such violations will be issued with a reduced time to correct the violations. A citation will be issued if compliance has not been achieved after this notice deadline has expired with no further warnings.
4. An increase in fine amount will be applied to property owners who have been deemed repeat offenders and have received prior convictions for the same violation within a calendar year. The fine amount would increase from \$500 to \$750 for a repeat offender for each repeated violation.
5. There would need to be a line of communication between the County and District Court Judges to pursue these fine amounts to ensure compliance with county laws in an attempt to reduce reoccurring violator.
6. The department will look into the possibility of requiring a complainant to provide written requests detailing the activities of a property that is allegedly violating county law for the number of occupants occupying a property. If this occurs within a 6 month period.
 - Staff currently investigates all alleged overcrowding complaints received by our department. During investigation names and relationship, room sizes and any areas that are unsafe are noted in file.

Department of Permitting Services
Building Materials Used in Construction Projects

DPS requires that any field changes in construction materials, which are subject to review and approval by DPS, must be resubmitted for review and re-approval. Work involving the field changes must/will stop until revised plans have been submitted and approved.

To implement this change the following actions need to be taken:

1. Administrative Steps

- Modify fact sheets and applications to inform applicants about this requirement.
- Additionally, document that if changes in materials are warranted, the applicant must modify plans to reflect such a change for review by DPS. If the change is not an acceptable building material in accord with the International Building Code adopted by DPS at that time, then DPS has the authority to disallow the change in materials.

2. Training Requirements

- Train DPS permit technicians to reinforce this point when accepting a permit application.
- Train DPS inspectors to check the plans and ensure that the materials are consistent with those on the plans. If they are not, the inspectors will issue a notice of violation and take other enforcement actions if compliance is not achieved.
- Train Plan Reviewers to review revisions for changes in construction materials.

3. Public Outreach

- Conduct a public awareness campaign that focuses on educating all potential applicants about this change in practice.

Department of Permitting Services
Quality Assurance/Quality Control (QA/QC) Plan

Table of Contents

Topic	Page Number
1. Quality Assurance (QA) and Quality Control (QC)	2
2. QA/QC Plan	3
3. DPS QA/QC Program Elements	3
4. Types of Audits	4
5. Audit Steps	5
6. Corrective Action Document	5
7. Benefiting from Lessons Learned	5

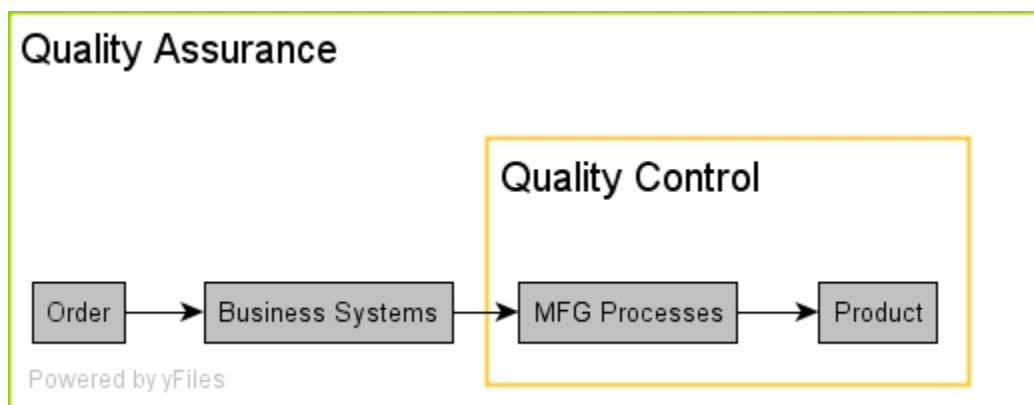
Quality is defined as the degree to which a product or service meets or exceeds a customer's requirements and expectations.

- **Quality is achieved** by focusing on preventing problems or errors rather than reacting to them.
- **Quality is achieved** by providing proper training of personnel and ensuring that all personnel remain current on the knowledge and skills needed for their position.
- **Quality is verified** through checking, reviewing, and monitoring of work activities, with documentation by experienced, qualified individuals who are not directly responsible for performing the work.
- **Quality is controlled** by adequate planning, coordination, supervision, and technical direction; proper definition and a clear understanding of job requirements and procedures; and the use of appropriately skilled personnel.

Quality Assurance and Quality Control

The terms “quality assurance” and “quality control” are often used interchangeably to refer to ways of ensuring the quality of a service or product. The terms, however, have different meanings. Quality Assurance improves, supports and audits all of the department’s systems, business processes, services, and products. Quality Control focuses on monitoring, improving, and auditing the business process and product.

The diagram below further illustrates the difference between quality assurance and quality control. Quality control is a sub-set of quality assurance.



Quality Assurance/ Quality Control (QA/QC) Plan is a comprehensive, well-defined, written set of procedures and activities aimed at delivering products that meet or exceed a customer's expectations, identifies the organization or individuals responsible for quality control and the specific procedures used to ensure delivery of a quality product

or service. The QA/QC Plan also details the method of accountability and required documentation.

Plan Implementation Procedures:

- Assign qualified specialists to oversee all elements of the work and carry out a consistent, deliberate program of quality control.
- Instill a sense of ownership and personal concern felt by every person on the team towards quality and continually improving the quality process.
- Make certain that all personnel involved in performing the work have a clear understanding of the scope and intent of the overall project, and the appropriate design criteria and environmental concerns, in order to ensure that the work product meets or exceeds DPS' and customers' expectations.
- Make certain that all personnel involved in performing the work understand the importance of meeting intermediate deadlines as well as final completion dates.
- Arrange for reviews to be conducted by qualified personnel outside of the team.

DPS QA/QC Program Elements

There are many levels on which the Department of Permitting Services plans to achieve quality assurance in all aspects of its business.

1. Analyze feedback from customers and responding with process changes or employee training
2. Review processes across the department looking for opportunities to adopt best practices and gain consistency
3. Use checklists to ensure quality execution of work processes and to encourage quality plan and application submittals
4. Monitor exception reports for inconsistencies and errors in use of our permitting information system
5. Monitor phone calls and take corrective action (personnel action, training or process improvement) when necessary
6. Implement a random case approach to review and evaluate the validity of enforcement actions taken

7. Seek outside agencies, such as Maryland Department of the Environment (MDE) and Insurance Services Office (ISO) to periodically evaluate our processes and provide audit analyses
8. Regularly monitor and communicate the status of our quality progress

Types of Audits

Third Party Audits are done by an outside independent audit organization, such as MDE or ISO. They normally do not have an interest in the final outcome. The result of the audit could be a certification, license, acceptance, or an award. **Compliance Audit** is an audit to regulatory requirements, such as the audit MDE performs at DPS every other year.

Second Party Audits are audits from those who have a deep interest in the final outcome. The audit could be called a survey or an assessment.

First Party Audits are audits done internally. They are a management tool with the emphasis on continuous improvement. This is the type of program described herein as the DPS QA/QC Program.

System Audits are looking at a particular system which includes multiple processes and can spread across several employees, divisions and even across departments.

Process Audits are focused audits on a set of processes within a department. They examine adherence to procedures and specifications during production or service activities.

Department Audit is a focus audit on one department that looks at the processes, specifications, and systems in one department only. It will look at the different operations within that department.

Product Audit is a focus audit on the product itself. This may be an inspection activity.

Audit Steps

1. Determine the audit focus
2. Perform the audit
3. Report the findings in the initial findings report
4. Determine the corrective action and discuss with the team that has to make the corrections
5. Update the findings report with the corrective action and issue the final report
6. Conduct the corrective action

7. Update the findings report when actions are completed
8. Follow Up and close the audit by documenting the completion of corrective actions noted in the findings report.

Corrective Action Document

Items that should be included in the corrective action document include:

1. The process of implementing the corrective action and tracking it from start to closure
2. The person responsible for managing the corrective action system
3. How corrective actions are considered closed
4. How customer communication is conducted

Benefiting from Lessons Learned

The Department will be briefed on lessons learned and will participate in discussions intended to make improvements in policy and procedures. Lessons learned should be shared at staff meetings.